

**CALENDAR ITEM  
C68**

A 35  
S 17

06/29/15  
PRC 4698.1  
K. Foster

**GENERAL LEASE – PROTECTIVE STRUCTURE USE**

**APPLICANT:**

Martin Resorts, Inc.  
P.O. Box 12060  
San Luis Obispo, CA 93406

**AREA, LAND TYPE, AND LOCATION:**

0.33 acre, more or less, of sovereign land in the Pacific Ocean adjacent to 2411, 2555, 2575, and 2651 Price Street, city of Pismo Beach, San Luis Obispo County.

**AUTHORIZED USE:**

Use and maintenance of rock riprap shoreline protective structures, portions of a retaining wall, and sand fill.

**LEASE TERM:**

10 years, beginning August 1, 2015.

**CONSIDERATION:**

\$14,353 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

**Insurance:** In an amount no less than \$5,000,000 per occurrence.

**Bond:** Surety bond or other security in an amount of \$20,000.

**Other:**

**Public Access Easement:**

Lessee acknowledges an existing public access easement (Easement) on the upland property, held by the city of Pismo Beach, for purposes of public ingress and egress across, over, and upon the upland leading to and from Lease Parcel 6 (Parcel) as described in Exhibit A and as shown on Exhibit B (for reference purposes only). Lessee agrees that no attempt will be made to discourage or prohibit public use of said Easement and/or

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said Parcel 6 by the posting of signs or by any other means, except when site conditions compromise or threaten public health and safety.

Lessor acknowledges that public access to Parcel 6 is temporarily unavailable, for safety reasons, and that the Lessee continues to seek all required permits necessary to complete a public access rehabilitation project (Project) for said Easement. The Project will include rehabilitation of an existing access stairway adjacent to the Parcel, replacement of a bridge connecting the stairway to the adjacent bluff-top and Easement, and repairs to the existing concrete retaining wall and sand fill located within the Parcel. Should Lessee be unable to complete the Project for any reason, within five (5) years from the beginning date of the Lease, Lessee will submit a plan on or before August 1, 2020, for Commission review and approval to either: 1) provide an alternate means of access to the Parcel; or 2) remove the improvements located within the Parcel in their entirety, and restore the Parcel as provided in the Lease.

In the event public access to Parcel 6 is subsequently provided, consideration and annual monetary rent for the Parcel will be adjusted to include the public use and benefit, effective on the next anniversary date of the Lease following the provision of access.

In the event all improvements in Parcel 6 are removed and the lease area is restored, rent for the Parcel will cease effective on the next anniversary date following the restoration and the Parcel will no longer be part of the Lease Premises.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. On August 19, 2003, the Commission authorized issuance of Lease No. PRC 4698.1, a General Lease – Recreational and Protective Structure Use to Martin Resorts, Inc. That lease expired July 31, 2012. The Lessee submitted an application in a timely manner for a General Lease – Protective Structure Use for the existing improvements; however, the lease has been in holdover status pending resolution of the upland project. Since that issue remains unresolved and outside the control of the Applicant, staff recommends moving forward with the new lease. Rent is current and the new lease will start on the next anniversary, August 1, 2015.
3. The total area of sovereign land occupied by existing improvements is greater than the 7,457 square-foot area described in the existing Lease.

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Commission staff confirmed that the proposed new Lease Premises will encompass a total of 14,176 square feet. The proposed new lease area includes 13,044 square feet of sovereign land occupied by existing rock riprap shoreline protective structures, shown on Exhibit B as Parcels 1 through 5. The new lease area would also include 1,132 square feet of sovereign land occupied by portions of an existing concrete retaining wall and sand fill, to provide a raised beach area shielded from the surf zone, shown on Exhibit B as Parcel 6.

4. The Applicant's use of Parcel 6 provides an amenity to the upland private property, but has also served in the past to provide public beach access and recreation in a small pocket cove and beach that are otherwise inaccessible from the upland. Prior access to the cove and beach area was provided via a dedicated vertical public access easement, held by the city of Pismo Beach (City), and a bridge connecting the upland bluff-top easement to a spiral staircase leading to the cove and beach area. Public access from the upland to the cove and beach area has been unavailable since 2007 when bridge failure occurred and the access was closed due to public safety concerns. If access is restored, annual rent for Parcel 6 would include a discount, to reflect the public benefit provided by such access.
5. The Applicant is proposing a comprehensive project to help protect portions of an existing dedicated coastal trail system from erosion and to enhance public safety and coastal access at multiple sites along the bluff adjacent to the upland property, including Parcel 6. The proposed project associated with Parcel 6 includes replacement of the bridge, rehabilitation of the spiral staircase, and repairs to the concrete retaining wall and sand fill. With the exception of the repairs to the concrete retaining wall and sand fill, the majority of the proposed project elements are located on private upland property outside the Commission's jurisdiction and are not being considered in this action.
6. The Applicant currently does not have approval from either the City or the California Coastal Commission to begin construction of the project associated with Parcel 6, and the timeframe required to secure these approvals is uncertain. Should the Applicant be unable to secure approvals for the project as proposed, the Applicant will be required to submit a plan within five years of the beginning date of the lease to either provide alternative public access to Parcel 6, or the removal of all improvements within, and the restoration of, the parcel.

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7. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Protective Structure Use to Martin Resorts, Inc. beginning August 1, 2015, for a term of 10 years, for shoreline protective structures, portions of a retaining wall, and sand fill as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent of \$14,353, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance in an

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amount no less than \$5,000,000 per occurrence; surety bond or other security in an amount of \$20,000.

## EXHIBIT A

PRC 4698.1

### STATE LAND LEASE PARCELS

#### Legal Description

Six Parcels of tide and submerged lands of the State of California, situated in the Pacific Ocean, adjoining portions of Lot 8 of the subdivision of a portion of the Rancho El Pismo and San Miguelito, City of Pismo Beach, San Luis Obispo County, as said Lot 8 is designated according to the Book "A", at Page 157 of Maps in the office of the Recorder for said County, and said Six Parcels being more particularly described as follows:

#### Parcel 1

Commencing from NGS geodetic control Station "Beach", PID: FV1169, with State Plane Coordinate Value: North-2,252,122.04 sFT, East-5,767,087.37 sFT, NAD83 (1992), Zone 5, Epoch 1991.35;

Thence, South 51° 16' 04" East, 1368.73 feet to the **Point of Beginning**;

Thence, along the next 7 courses,

1. Thence, S 38° 26' 20" E, 20.20 feet;
2. Thence, S 20° 18' 25" E, 14.04 feet;
3. Thence, S 41° 52' 24" W, 3.17 feet;
4. Thence, N 29° 54' 12" W, 2.23 feet;
5. Thence, N 22° 17' 38" W, 16.37 feet;
6. Thence, N 57° 47' 41" W, 15.44 feet;
7. Thence, N 40° 00' 22" E, 7.88 feet to said point of beginning;

**EXCEPTING THEREFROM** any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

#### Parcel 2

Commencing from NGS geodetic control Station "Beach", PID: FV1169, with State Plane Coordinate Value: North-2,252,122.04 sFT, East-5,767,087.37 sFT, NAD83 (1992), Zone 5, Epoch 1991.35;

Thence, South 50° 27' 45" East, 1417.48 feet to the **Point of Beginning**;

Thence, along the next 10 courses,

1. Thence, S 79° 11' 57" E, 28.96 feet;
2. Thence, S 43° 21' 53" E, 3.57 feet;
3. Thence, S 79° 32' 40" W, 13.89 feet;

4. Thence, S 57° 51' 17" W, 2.91 feet;
5. Thence, S 10° 14' 59" W, 5.90 feet;
6. Thence, S 72° 54' 31" W, 4.88 feet;
7. Thence, N 42° 11' 10" W, 8.55 feet;
8. Thence, N 05° 52' 25" E, 6.43 feet;
9. Thence, N 67° 58' 41" W, 5.42 feet;
10. Thence, N 13° 00' 13" E, 4.68 to said point of beginning;

**EXCEPTING THEREFROM** any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

### **Parcel 3**

Commencing from NGS geodetic control Station "Beach", PID: FV1169, with State Plane Coordinate Value: North-2,252,122.04 sFT, East-5,767,087.37 sFT, NAD83 (1992), Zone 5, Epoch 1991.35;

Thence, South 51° 27' 54" East, 1506.41 feet to the **Point of Beginning**;

Thence, along the next 77 courses,

1. Thence, N 60° 16' 21" E, 5.90 feet;
2. Thence, N 02° 39' 46" E, 10.90 feet;
3. Thence, S 88° 05' 16" E, 70.93 feet;
4. Thence, S 82° 14' 52" E, 20.40 feet;
5. Thence, S 73° 39' 34" E, 16.28 feet;
6. Thence, S 33° 35' 17" E, 12.36 feet;
7. Thence, S 57° 35' 52" E, 23.27 feet;
8. Thence, S 05° 20' 00" E, 12.51 feet;
9. Thence, S 20° 07' 50" E, 20.17 feet;
10. Thence, S 65° 21' 34" E, 2.81 feet;
11. Thence, S 78° 55' 08" E, 6.30 feet;
12. Thence, S 32° 49' 06" E, 9.00 feet;
13. Thence, S 09° 00' 00" W, 7.33 feet;
14. Thence, S 27° 35' 38" E, 3.10 feet;
15. Thence, S 50° 33' 51" E, 13.27 feet;
16. Thence, S 29° 47' 19" E, 18.17 feet;
17. Thence, S 22° 50' 29" E, 15.04 feet;
18. Thence, S 06° 24' 04" E, 9.64 feet;
19. Thence, S 45° 01' 14" W, 5.84 feet;
20. Thence, S 69° 32' 45" W, 6.83 feet;
21. Thence, N 70° 30' 08" W, 5.38 feet;
22. Thence, S 87° 33' 17" W, 3.62 feet;
23. Thence, S 41° 21' 52" W, 7.25 feet;
24. Thence, S 43° 41' 38" W, 12.03 feet;
25. Thence, S 22° 05' 24" E, 9.20 feet;
26. Thence, S 34° 47' 49" W, 1.97 feet;

27. Thence, S 68° 33' 16" E, 1.34 feet;  
28. Thence, S 86° 02' 33" E, 4.27 feet;  
29. Thence, N 77° 23' 36" E, 4.28 feet;  
30. Thence, S 69° 43' 17" E, 4.07 feet;  
31. Thence, S 10° 38' 28" E, 8.71 feet;  
32. Thence, S 28° 53' 34" E, 5.02 feet;  
33. Thence, S 13° 02' 17" W, 3.92 feet;  
34. Thence, S 15° 06' 19" E, 6.90 feet;  
35. Thence, S 25° 19' 02" E, 4.34 feet;  
36. Thence, S 33° 15' 41" E, 7.54 feet;  
37. Thence, S 45° 01' 14" W, 6.79 feet;  
38. Thence, N 85° 45' 18" W, 5.53 feet;  
39. Thence, S 47° 23' 53" W, 12.76 feet;  
40. Thence, S 63° 26' 14" W, 23.02 feet;  
41. Thence, N 43° 12' 39" W, 8.25 feet;  
42. Thence, N 23° 43' 04" E, 5.44 feet;  
43. Thence, N 09° 44' 04" W, 8.63 feet;  
44. Thence, N 66° 59' 21" W, 5.29 feet;  
45. Thence, N 21° 35' 06" E, 5.62 feet;  
46. Thence, S 73° 18' 43" E, 2.54 feet;  
47. Thence, N 03° 52' 53" W, 7.19 feet;  
48. Thence, N 65° 14' 25" W, 3.48 feet;  
49. Thence, N 14° 43' 30" W, 12.44 feet;  
50. Thence, N 45° 01' 14" W, 6.02 feet;  
51. Thence, N 10° 49' 50" W, 8.42 feet;  
52. Thence, N 24° 29' 52" E, 14.96 feet;  
53. Thence, N 72° 48' 01" E, 6.87 feet;  
54. Thence, N 21° 40' 47" E, 5.04 feet;  
55. Thence, N 68° 39' 54" E, 13.58 feet;  
56. Thence, N 05° 39' 54" W, 20.81 feet;  
57. Thence, N 80° 32' 39" E, 6.44 feet;  
58. Thence, N 07° 36' 00" W, 6.40 feet;  
59. Thence, N 90° 00' 00" W, 8.26 feet;  
60. Thence, N 25° 09' 38" W, 11.45 feet;  
61. Thence, N 47° 15' 05" E, 11.53 feet;  
62. Thence, N 78° 56' 15" W, 9.92 feet;  
63. Thence, N 14° 02' 45" W, 6.98 feet;  
64. Thence, N 85° 25' 45" W, 10.62 feet;  
65. Thence, N 06° 47' 38" W, 8.95 feet;  
66. Thence, N 68° 13' 46" W, 21.92 feet;  
67. Thence, N 38° 05' 33" W, 6.56 feet;  
68. Thence, S 47° 29' 21" W, 14.96 feet;  
69. Thence, N 78° 14' 23" W, 4.23 feet;  
70. Thence, N 05° 04' 59" W, 7.78 feet;  
71. Thence, N 25° 27' 36" E, 8.21 feet;  
72. Thence, N 64° 22' 30" W, 24.50 feet;



73. Thence, S 73° 10' 40" W, 3.57 feet;
74. Thence, N 53° 31' 05" W, 13.16 feet;
75. Thence, N 81° 17' 55" W, 23.77 feet;
76. Thence, N 72° 22' 51" W, 25.73 feet;
77. Thence, N 34° 37' 21" W, 9.51 feet to said point of beginning;

**EXCEPTING THEREFROM** any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

**Parcel 4**

Commencing from NGS geodetic control Station "Beach", PID: FV1169, with State Plane Coordinate Value: North-2,252,122.04 sFT, East-5,767,087.37 sFT, NAD83 (1992), Zone 5, Epoch 1991.35;

Thence, South 48° 29' 09" East, 1906.59 feet to the **Point Of Beginning**;

Thence, the next 33 courses,

1. Thence, N 18° 33' 31" E, 8.82 feet;
2. Thence, N 40° 16' 29" E, 7.30 feet;
3. Thence, N 33° 08' 29" E, 30.32 feet;
4. Thence, N 61° 08' 38" E, 8.48 feet;
5. Thence, N 79° 01' 05" E, 12.99 feet;
6. Thence, S 83° 38' 28" E, 8.66 feet;
7. Thence, S 65° 38' 03" E, 24.14 feet;
8. Thence, S 50° 07' 10" E, 11.62 feet;
9. Thence, S 29° 54' 42" E, 8.45 feet;
10. Thence, S 05° 46' 59" W, 17.92 feet;
11. Thence, S 21° 28' 31" E, 6.92 feet;
12. Thence, S 25° 42' 26" W, 9.98 feet;
13. Thence, N 34° 08' 26" W, 7.86 feet;
14. Thence, S 74° 56' 30" W, 4.34 feet;
15. Thence, N 12° 05' 08" W, 15.95 feet;
16. Thence, N 71° 03' 57" W, 7.59 feet;
17. Thence, S 48° 39' 11" W, 4.78 feet;
18. Thence, N 77° 34' 57" W, 3.24 feet;
19. Thence, S 76° 17' 13" W, 9.49 feet;
20. Thence, S 09° 50' 26" W, 4.08 feet;
21. Thence, S 33° 10' 00" W, 6.69 feet;
22. Thence, N 49° 48' 25" W, 4.83 feet;
23. Thence, N 26° 16' 28" E, 2.80 feet;
24. Thence, N 37° 04' 32" W, 2.06 feet;
25. Thence, S 58° 22' 01" W, 5.75 feet;
26. Thence, S 81° 15' 36" W, 4.85 feet;
27. Thence, N 69° 44' 16" W, 11.22 feet;
28. Thence, S 66° 22' 14" W, 7.35 feet;

29. Thence, N 73° 43' 33" W, 3.11 feet;
30. Thence, N 10° 57' 42" W, 2.11 feet;
31. Thence, S 57° 34' 43" W, 4.68 feet;
32. Thence, S 75° 42' 08" W, 5.15 feet
33. Thence, N 80° 32' 03" W, 2.03 feet to said point of beginning;

**EXCEPTING THEREFROM** any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

**Parcel 5**

Commencing from NGS geodetic control Station "Beach", PID: FV1169, with State Plane Coordinate Value: North-2,252,122.04 sFT, East-5,767,087.37 sFT, NAD83 (1992), Zone 5, Epoch 1991.35;

Thence, South 50° 21' 25" East, 2157.13 feet to the **Point Of Beginning**;

Thence, along the next 15 courses,

1. Thence, N 29° 30' 49" E, 2.23
2. Thence, N 67° 54' 29" E, 7.31 feet;
3. Thence, N 45° 45' 40" E, 7.46 feet;
4. Thence, S 67° 03' 03" E, 7.78 feet;
5. Thence, N 88° 32' 39" E, 7.04 feet;
6. Thence, N 60° 30' 12" E, 15.62 feet;
7. Thence, S 45° 35' 54" E, 12.82 feet;
8. Thence, S 15° 32' 19" W, 8.77 feet;
9. Thence, S 42° 19' 23" E, 10.95 feet;
10. Thence, S 15° 47' 30" E, 5.11 feet;
11. Thence, N 86° 21' 57" W, 11.56 feet;
12. Thence, S 70° 24' 40" W, 6.29 feet;
13. Thence, N 74° 32' 21" W, 14.79 feet;
14. Thence, N 50° 01' 59" W, 18.02 feet;
15. Thence, N 81° 57' 36" W, 11.19 feet to said point of beginning;

**EXCEPTING THEREFROM** any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

**Parcel 6**

Commencing from NGS geodetic control Station "Beach", PID: FV1169, with State Plane Coordinate Value: North-2,252,122.04 sFT, East-5,767,087.37 sFT, NAD83 (1992), Zone 5, Epoch 1991.35;

Thence, South 50° 30' 15" East, 1278.93 feet to the **Point Of Beginning**;

Thence, along the next 10 courses,

1. Thence, N 72° 38' 02" E, 16.96 feet;
2. Thence, S 74° 37' 42" E, 3.12 feet;
3. Thence, S 12° 41' 03" E, 18.40 feet;
4. Thence, S 41° 39' 56" E, 4.82 feet;
5. Thence, S 79° 29' 51" E, 17.71 feet;
6. Thence, S 43° 19' 24" E, 6.50 feet;
7. Thence, S 26° 18' 53" E, 12.32 feet;
8. Thence, S 65° 09' 29" E, 12.21 feet;
9. Thence, N 76° 18' 39" W, 66.76 feet;
10. Thence, N 00° 00' 00" E, 25.65 feet to said point of beginning;

**EXCEPTING THEREFROM** any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

END OF DESCRIPTION

Prepared by:

  
Daniel S. Hutchinson, LS 5139

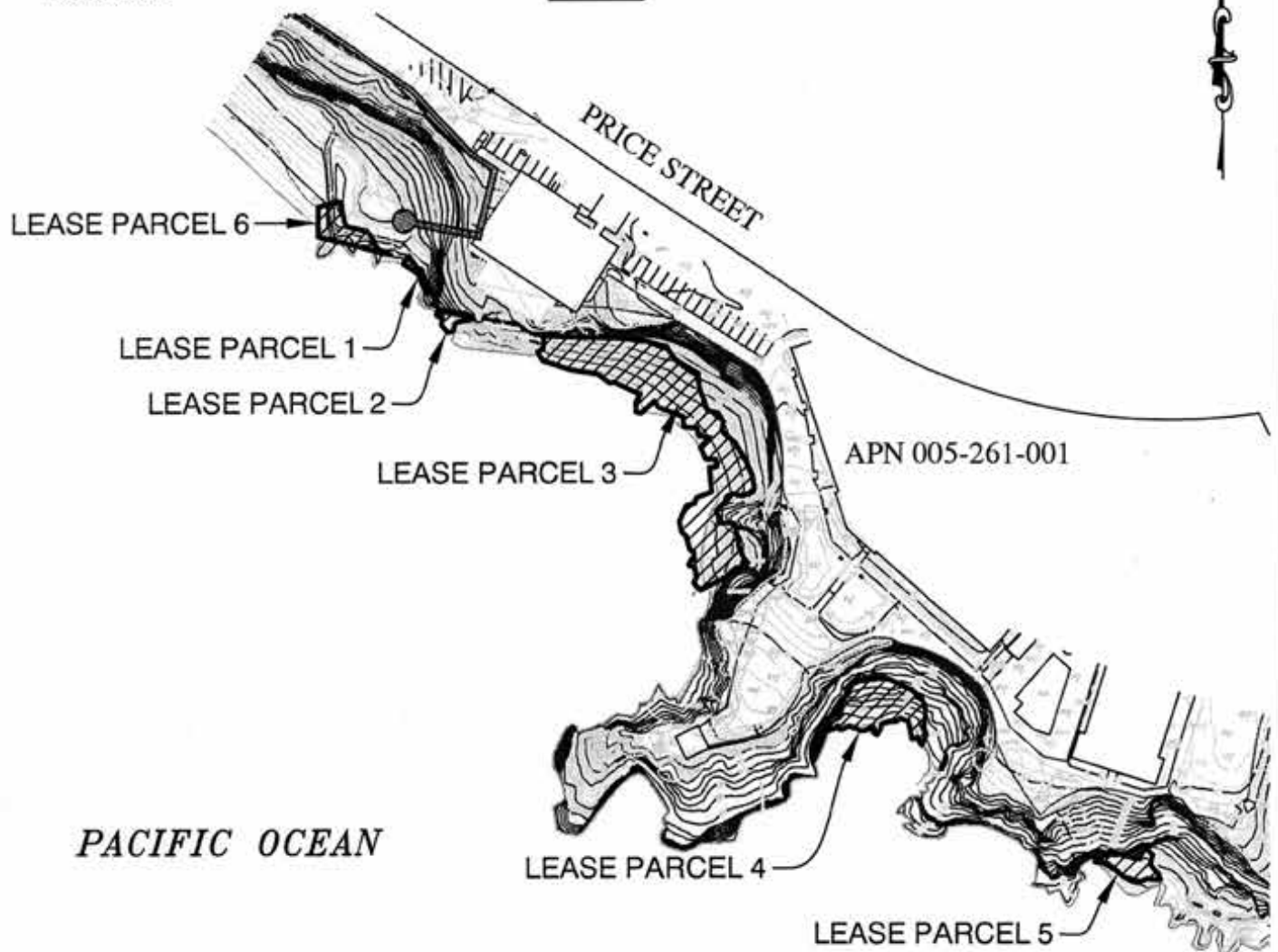
Date:

March 18<sup>th</sup>, 2015



NO SCALE

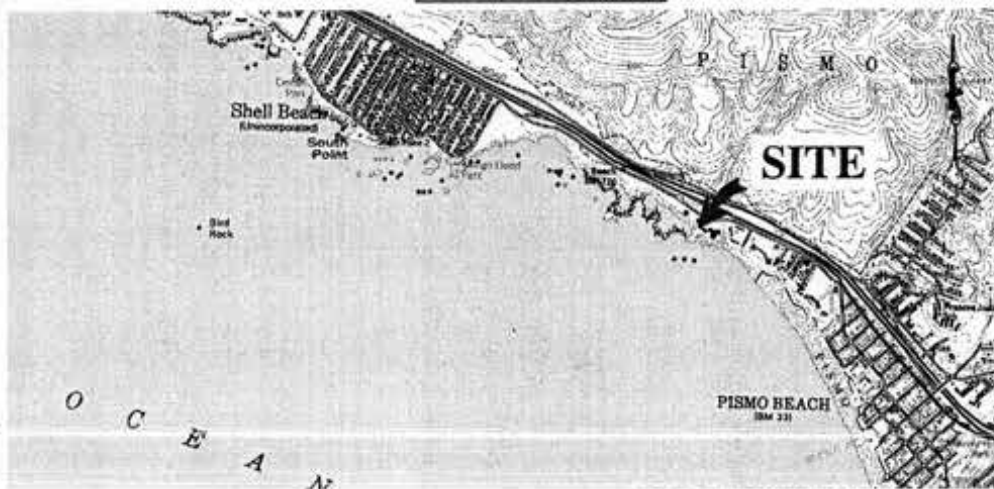
## SITE



2555 PRICE STREET, PISMO BEACH

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## **Exhibit B**

PRC 4698.1  
MARTIN RESORTS  
APN 005-261-001  
GENERAL LEASE -  
PROTECTIVE  
STRUCTURE USE  
SAN LUIS OBISPO COUNTY



DJF 03/18/2015